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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/615,483      | 07/08/2003  | Jack I. J'maev       | JJ-038-US           | 8984             |

54556 7590 01/26/2006

INTELLECTUAL PROPERTY DEVELOPMENT  
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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/615,483

Applicant(s)

J'MAEV, JACK I.

Examiner

Michael J. Fisher

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10/31/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,6,7,9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 6,611,201 to Bishop et al. (Bishop).

As to claim 1, Bishop discloses a method comprising: receiving a product identifier that corresponds to a group of one or more products that are subject to a recall notice (col 16, lines 15-18), receiving a description of a recall (inherent in that a recall notice is sent it therefore must be received), creating a recall notice signal (inherent in that it is sent) and issuing the signal to the group (col 16, lines 12-15).

As to claim 9, Bishop further discloses receiving a description for a recall (inherent in that the recall is sent out), as the signal is sent out, it would inherently be according to that which is received.

As to claim 2, Bishop creates a record (col 16, lines 40-48).

As to claims 6,14, as Bishop is shown to be used for a plurality of different signals (as discussed col 15, lines 62-65, it can also be used for recall notices, inherently meaning that it is used for other signals), and further, Bishop is shown to

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receive confirmation that the recall signal was received (col 16, lines 40-48), it would be inherent that the recall notice includes a notice type identifier (that the signal is a recall notice).

As to claims 7, as the recall notice is created in response to receiving information that there is a recall, this would be inherent.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-5,10-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop.

As to claims 3,14, Bishop further teaches a received description of the recall (as it is saved as a recall notice, this would be inherent) Bishop does not specifically teach using a table to record the data. The examiner takes Official Notice that it is very well known in the art for computers to use tables (such as arrays and matrices). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Bishop by having the computer save the information in a table to ease searching of the information.

As to claims 4,12,16 Bishop does not specifically teach a wide area network. The examiner takes official notice that wide area networks are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to modify the

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method as disclosed by Bishop by using a wide area network to receive information as this is a good way to communicate using computers.

As to claims 5,13, it is very well known in the art to use the Internet as a communications system. Therefore, it would have been obvious to use the Internet, with attendant web page, to receive information to ease the flow of information.

As to claim 10, Bishop does not specifically teach the product notice server as saving the record. As discussed, Bishop does teach the receiving unit as saving this information and further, it is very well known in the art to save a log of sent messages. Therefore, it would have been obvious to one of ordinary skill to save the log of sent notices at the sending unit to ensure that a record is saved in case of damage to the receiving unit.

As to claim 11, Bishop does not specifically teach using a table to record the data. The examiner takes Official Notice that it is very well known in the art for computers to use tables (such as arrays and matrices). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Bishop by having the computer save the information in a table to ease searching of the information.

As to claims 15,17, Bishop does not, however, specifically teach incorporation the description of the recall into the signal command, it would have been obvious to one of ordinary skill in the art to include this information so the driver could know the severity of the recall notice. For instance, a brake malfunction would be much more serious than an interior light recall.

***Response to Arguments***

Applicant's arguments, filed 10/31/05, with respect to rejection under 35 USC 112 have been fully considered and are persuasive. This rejection has been withdrawn.

Applicant's arguments filed 10/31/05 in relation to rejection under art have been fully considered but they are not persuasive. As discussed above, it would have been obvious to include a description of the recall notice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 

1/21/06